

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KUMON NORTH AMERICA, INC.,)	
)	
Plaintiff,)8	
)	
v.)	C.A. No. 07 C 7254
)	
STEPS TO SUCCESS, INC.)	JUDGE NORGLE
and PALI SHAH,)	MAGISTRATE JUDGE SCHENKIER
)	
Defendants.)	
)	
STEPS TO SUCCESS, INC.,)	
)	
Plaintiff,)	
)	
v.)	[Related Case C.A. No. 08 C 90]
)	
KUMON NORTH AMERICA, INC.,)	
ROBERT CONRAN,)	
and MINO TANABE,)	
)	
Defendants)	
)	

AFFIDAVIT OF CHRISTINA KELLEY

I, Christina Kelley, depose and state on personal knowledge as follows:

1. I work full-time as a paraprofessional educator for special needs children at the Eastview Elementary School, School District 300, Algonquin, Illinois.
2. I am needed at the Eastview Elementary School from 8 a.m. to 3 p.m., but if needed, I could leave work a little early in the afternoon to attend a deposition. However, traveling downtown would be very burdensome. I reside in Huntley, Illinois.

3. I am also a part-time assistant at the Kumon learning center in Hoffman Estates. I usually work there Monday, Wednesday, and Thursday from 3:30 -6:30 and 9-1 on Saturdays.

4. After receiving a subpoena asking me to come downtown for a deposition I contacted Ms. Pali Shah to complain and she gave me the e-mail address of her attorney to send a message if I had a problem with the date, time or place of the deposition. I wrote an e-mail dated April 11 which is attached as Exhibit 1. Ms. Shah and Mr. Valas did not in any way help me write or change the message.

5. After the attorney for Kumon rescheduled it for the wrong time on Thursday April 17, I sent another message, which is attached as Exhibit 2, offering to be available for deposition in the afternoon. I was later told that the attorney for Kumon did not want to depose me in the afternoon.

6. I remain willing to attend a deposition at a reasonable time and place.

7. I have no involvement in reporting monthly student enrollment, computer data entry, or recording student's daily home work in their record books.

Signed under the penalties of perjury.


Christina Kelley

Rory Valas

From: Rory Valas [rav@franchiseelaw.com]
Sent: Friday, April 11, 2008 10:30 PM
To: 'Danielle M. Kays'
Subject: FW: Deposition for Kumon

From: Christina Kelley [mailto:ckelley25@sbcglobal.net]
Sent: Friday, April 11, 2008 5:51 PM
To: rav@franchiseelaw.com
Subject: Deposition for Kumon

I received the subpoena to appear for my deposition very late on Thursday, April 10. I am unable to appear on such short notice. I work full time as a teacher assistant Monday - Friday from 8:00 AM to 3:00 PM. My students have a math test on Tuesday, April 12, that is required to be read to them as part of their IEP. I do not get a substitute to fill in for me. Also, I need to provide at least 3 business days notice in order to take a personal day. I would be able to appear on Thursday, April 14 if possible. Is there any way to move the location to the Hoffman Estates area instead of Chicago? It is very inconvenient for myself and others to travel there when we all live out here. The current location is about 50 miles from where I live, which would take 2 to 3 hours with any type of traffic. Thank you for your time.

Christina Kelley
10708 Oregon Trail
Huntley, IL 60142

Rory Valas

From: Rory Valas [rav@franchiseelaw.com]
Sent: Tuesday, April 15, 2008 5:31 PM
To: 'Danielle M. Kays'
Subject: FW: Thursday Deposition for Kumon

From: Christina Kelley [mailto:ckelley25@sbcglobal.net]
Sent: Tuesday, April 15, 2008 5:25 PM
To: rav@franchiseelaw.com
Subject: Thursday Deposition for Kumon

The day and time for my deposition was recently changed, however, I need to have my time changed to 3:30 or 4:00 pm on Thursday, April 17. I was not given enough notice to take the day off of work, so I will not be able to make it until after 3:30 pm. Thank you.

Christina Kelley